

**Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):**

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231.

Dated: April 22, 2002

Name of Person Certifying: Nancy L. Hug

Printed Name: Nancy L. Hug

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application for:

Susan SCHIAVI, et al.

Serial No.: 09/909,775

Filing Date: July 19, 2001

For: PHOSPHATONIN-RELATED GENE  
AND METHODS OF USE THEREOF

Examiner: Not Yet Assigned

Group Art Unit: 1646

**RECEIVED**

MAY 03 2002

TECH CENTER 1600/2900

Commissioner for Patents  
Washington, D.C. 20231**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

**I. Timing of the Information Disclosure Statement:**

This Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- ☒ Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

This Information Disclosure Statement is filed:

- ☐ After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by:
- ☐ the certification as specified in 37 C.F.R. § 1.97(e); or
- ☐ the fee of (\$180.00) set forth in 37 C.F.R. § 1.17(p).

The Commissioner is hereby authorized to charge Deposit Account No. 50-1189, Docket No. \_\_\_\_\_ for the fee set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

This Information Disclosure Statement is filed:

- ☐ After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

- ☐ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

## II. Copies of the Cited Items:

- ☒ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.
- ☐ Copies of only the following items listed on the attached Form PTO-1449 are enclosed: \_\_\_\_\_.
- ☐ Copies of all items in the attached Form PTO-1499 are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. \_\_\_\_\_, filed \_\_\_\_\_ and relied upon in this application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).
- ☐ Copies of those items which are marked with an asterisk (\*\*) in the attached Form PTO-1499 were cited in a foreign examination report in a related case. A copy of

the search report and the cited references not already of record in this application are attached hereto.

### III. Concise Explanation of Relevance:

- ☒ A concise explanation of relevance of the items listed on Form PTO-1449 is not given.
- ☐ A concise explanation of relevance of [some of] the items listed on Form PTO-1449 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

### IV. Conclusion:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-1189, Billing Ref.: 19442-7201 for any additional fees required in connection with the filing of this Information Disclosure Statement.

DATE: April 22, 2002

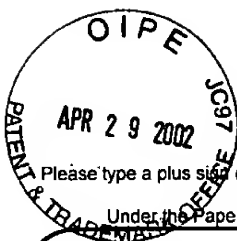
Respectfully submitted,

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# 19 Attachment 1646

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 09/909,775

Filing Date July 19, 2001

First Named Inventor Susan Schlavi

Group Art Unit 1646

Examiner Name Not Yet Assigned

Attorney Docket No. GZ 2065.23

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TOTAL NO. OF SHEET(S)

6

## ENCLOSURES (check all that apply)

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form  | <input type="checkbox"/> Assignment Papers (for an Application)           | <input type="checkbox"/> After Allowance Communication to Group  |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                                    |
| <input type="checkbox"/> Amendment / Reply   | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)                             |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declarations                                     | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                                   | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of 15 references; Return Postcard |
| <input type="checkbox"/> Express Abandonment Request                                 | <input type="checkbox"/> Terminal Disclaimer                              |  |
| <input checked="" type="checkbox"/> Information Disclosure Statement w/Form PTO-1449 | <input type="checkbox"/> Request for Refund                               |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                      | <input type="checkbox"/> CD, Number of CD(s) _____                        |  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application           |   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53         |   |  |

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name  
Carol M. Gruppi  
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Signature

Date

April 22, 2002

## CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

Date of Deposit: April 22, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail on the date indicated above and is addressed to: Commissioner for Patents, Washington, D.C. 20231.

Nancy L. Hug

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.